IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

Bail Appl..No. 1040 of 2007()

CRIME NO.28/07 OF KOLLAM WEST POLICE STATION

: PETITIONERS/ACCUSED 1 T0 3

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1. SAKKEER, AGED 39 YEARS,S/O.BASHEER, PANDICHAZHHIKATHU VEEDU,KANNIMEL CHERRY, SAKTHIKULANGARA, KOLLAM.

2. SIYAD, S/O.BASHEER, HOUSE NO.16,THOPPIL NAGAR, KUREEPUZHA P.O, KOLLAM WEST.

3. RIYAS, S/O.BASHEER,HOUSE NO.16, THOPPIL NAGAR,KUREEPUZHA P.O.,KOLLAM WEST.

BY ADV. SRI.DILEEP P.PILLAI

RESPONDENT

STATE OF KERALA REP.BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 1040 OF 2007

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DATED THIS THE 26th DAY OF FEBRUARY, 2007

O R D E R

Petitioners who are accused Nos.1 to 3 in Crime No.28/07 of Kollam West Police Station for an offence punishable under section 307 read with section 34 IPC, seek anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. The case of the prosecution is that at about 8.30 PM on 8.2.2007 the accused persons armed with deadly weapons like iron rod, sword, etc. are alleged to have attacked the de facto complainant.

4. Anticipatory bail cannot be granted in a case of this nature. However, I am inclined to permit the petitioners to surrender before the Investigating Officer for interrogation and then to have their application for regular bail considered by the Magistrate. Accordingly, the petitioners are directed to surrender before the Investigating Officer on any day between 05.03.2007 and 07.03.2007 for the purpose of interrogation and recovery of incriminating materials, if any. The petitioners shall thereafter be produced on the same day before the Magistrate having jurisdiction. The Magistrate shall consider and dispose of the application, if any, filed by the petitioners for regular bail, preferably on the same date on which it is filed.

This application is disposed of as above.

V.RAMKUMAR, JUDGE

dsn